

JUL 28 2000

CARL WAYNE JOUBERT, ET AL BY *CLW* ROBERT L. GILMOUR CLERK DEPUTY

NUMBER: 99-3982

CL# 4884  
244.70  
McLeman  
11-12-99

VERSUS

14<sup>TH</sup> JUDICIAL DISTRICT COURT

CONOCO, INC., VISTA CHEMICAL  
COMPANY, ALLWASTE  
ENVIRONMENTAL SERVICES OF  
LOUISIANA, INC., PROFESSIONAL  
INDUSTRIAL MAINTENANCE, a Limited  
Liability Company and R. W. EQUIPMENT  
COMPANY, INC., and E.I. DUPONT de  
NEMOURS

FILED: 11-12-99PARISH OF CALCASIEU  
STATE OF LOUISIANA

2:00 CV 758

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*Joan Vidrine*  
DEPUTY CLERK OF COURT

**FIRST SUPPLEMENTAL AND AMENDING PETITION FOR DAMAGES**PARTY # PL

NOW INTO COURT, through undersigned counsel, come Plaintiffs, **CARL WAYNE JOUBERT, ET AL**, who desire to amend the Original Petition for Damages as follows, and through undersigned counsel, appears these persons wishing to be made additional plaintiffs. These newly added plaintiffs wish to be referred to as "petitioners" along with the plaintiffs filed in the Original Petition for Damages and be joined together under this one caption to include: **MICHAEL GRIFFIN** and **LINDA GRIFFIN**, persons of the full age of majority and residents of Vermilion Parish, Louisiana; **SAMUEL G. SPARKS**, individually and as administrator of the estate of his minor children, **ANDREA SPARKS** and **MEGHAN SPARKS**, and comes spouse, **MARIAN SPARKS**, persons of the full age of majority and residents of Calcasieu Parish, Louisiana; **DENNIS L. CHIASSON**, a person of the full age of majority and a resident of Calcasieu Parish, Louisiana, individually, and as administrator of the estate of his minor children, **DESTINY CHIASSON**, **CARISSA CHIASSON** and **SHERRY CHIASSON**; **ROGERS GUIDRY**, a person of the full age of majority and a resident of Calcasieu Parish, Louisiana; **ODIS L. ASHWORTH** and **JACKIE ASHWORTH**, persons of the full age of majority and a residents of Calcasieu Parish, Louisiana; **JERRY P. BROUSSARD**, a person of the full age of majority and a resident of Calcasieu Parish, Louisiana, individually and as administrator of the estate of his minor child, **KELSEY BROUSSARD**; **PAUL J. COMEAUX**, a person of the full age of majority and a resident of Calcasieu Parish, Louisiana; **RONALD L. ASHWORTH**, individually and as administrator of the estate of his minor child, **JORDAN ASHWORTH** and spouse **STACIE ASHWORTH**, persons of the full age of majority and a resident of Calcasieu Parish, Louisiana; **PERCY RAY TRAHAN**, a person of the full age of majority and a resident of Calcasieu Parish, Louisiana; **KIMBERLY E. FONTENOT**, a person

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of the full age of majority and a resident of Calcasieu Parish, Louisiana; **CHARLES EDWARD JONES**, a person of the full age of majority and a resident of Calcasieu Parish, Louisiana, individually and on behalf of the minor child, **TAMMIE KRANZMAN**; **DALE MAYNARD**, a person of the full age of majority and a resident of Calcasieu Parish, Louisiana; **DONALD W. SEMIEN**, individually and on behalf of his minor children, **DAJA M. VICTORIAN** and **ALGY D.W. VICTORIAN**; **JAMES JENSEN** and **KATHY JENSON**, persons of the full age of majority and residents of the Parish of Calcasieu, State of Louisiana; **ADAM KEITH BROWN**, a person of the full age of majority and a resident of the Parish of Calcasieu, State of Louisiana; **RICHARD J. GIBSON**, a person of the full age of majority and a resident of the Parish of Calcasieu, State of Louisiana; **KEVIN RUDISILL**, a person of the full age of majority and a resident of the Parish of Beauregard, State of Louisiana; **PRESTON LEGER**, individually and as administrator of the estate of his minor children **CHARLES PATE LEGER** and **JEREMIAH CADE LEGER**, and spouse, **SHERRY ANN LEGER**, persons of the full age of majority and residents of Orange, Texas; **CARROLL DEAN FORSE** and **CAROLYN LEE FORSE**, persons of the full age of majority and residents of Deweyville, Texas; and **STEPHEN PAUL CAVENAH**, individually and as administrator of the estate of his minor children **NOEL ELIZABETH CAVENAH** and **JAKE WELSH CAVENAH, II**, and spouse, **SHEILA ANN CAVENAH**, persons of the full age of majority and residents of Beauregard Parish, Louisiana, with respect represent and aver as follows:

I.

By amending the caption of plaintiffs' original Petition for Damages to substitute the name of Philip Services Corporation ("PSC", formerly Allwaste Environmental Services of Louisiana, Inc.), for Allwaste through out every paragraph and prayer of the Original Petition for Damages as follows:

**CARL WAYNE JOUBERT, ET AL**

**NO. 99-3982**

**VERSUS**

**14<sup>th</sup> JUDICIAL DISTRICT COURT**

**CONOCO, INC., VISTA CHEMICAL COMPANY, PHILIP SERVICES CORPORATION** (formerly known as **ALLWASTE ENVIRONMENTAL SERVICES OF LOUISIANA, INC.**), **PROFESSIONAL INDUSTRIAL MAINTENANCE**, a Limited Liability Company, **R.W. EQUIPMENT COMPANY, INC.**, and **E.I. DUPONT de NEMOURS**

**PARISH OF CALCASIEU STATE OF LOUISIANA**

## II.

Plaintiffs amend the Original Petition to add the following paragraph to precede Paragraph 11 and succeed paragraph 10 to read as follows:

“10 a.

On or about the respective dates, the following plaintiffs, while in the course and scope of their employment as direct employees with **HARBERT YEARGIN**, were assisting in a massive EDC cleanup operation being conducted by defendants, **CONOCO, VISTA, PSC, P.I.M., R.W., and DUPONT** on property owned by defendant, **CONOCO**. The property was located at the **CONOCO** dock facility in Calcasieu Parish, Louisiana:

- A. **MICHAEL GRIFFIN**, worked at the spill site in 1996 and incurred injuries which include memory loss, heartburn, fatigue and skin rashes.
- B. **SAMUEL G. SPARKS**, worked at the spill site between 1995 and 1996 and incurred injuries which include headaches, irritated eyes, memory loss, nausea, insomnia, sore throat, heartburn, fatigue, shaking and twitching, diarrhea, dizziness, vomiting, nervousness, shortness of breath, personality change and indigestion.
- C. **DENNIS L. CHIASSON**, worked at the spill site in 1996 and incurred injuries which include sinus, headaches, irritated eyes, memory loss, nausea, insomnia, heartburn, fatigue, blood in stool, diarrhea, dizziness, nervousness, shortness of breath, personality change and indigestion.
- D. **ROGERS GUDRY**, worked at the spill site in 1996 and incurred injuries which include sinus, memory loss, liver problems, sore throat, indigestion and heartburn.
- E. **ODIS L. ASHWORTH**, worked at the spill site between 1995 and 1996 and incurred injuries which include sinus, headaches, irritated eyes, kidney problems, bladder problems, memory loss, nausea, liver problems, insomnia, sore throat, fatigue, shaking and twitching, blood in stool, dizziness, skin rashes, nervousness, shortness of breath, personality change and high blood pressure.
- F. **JERRY P. BROUSSARD**, worked at the spill site in 1996 and incurred injuries which include sinus, headaches, irritated eyes, bladder problems, memory loss, insomnia, sore throat, heartburn, fatigue, blood in urine, dizziness, nervousness, shortness of breath and personality change.
- G. **PAUL J. COMEAUX**, worked at the spill site in 1995 and incurred injuries which include sinus, headaches, kidney problems, bladder problems, nausea, fatigue and high blood pressure.
- H. **RONALD L. ASHWORTH**, worked at the spill site between 1995 and 1996 and incurred injuries which include sinus, headaches, irritated eyes, kidney problems, bladder problems, memory loss, nausea, sore throat, heartburn, fatigue, diarrhea, dizziness, nervousness, shortness of breath and indigestion.
- I. **CARROLL DEAN FORCE**, worked at the spill site between 1995 and 1996 and incurred injuries which include sinus, headaches, irritated eyes, kidney problems, memory loss, nausea, insomnia, sore throat, fatigue, shaking and twitching, diarrhea, dizziness, skin rashes, vomiting, nervousness, shortness of breath, personality change and high blood pressure.
- J. **PERCY RAY TRAHAN**, worked at the spill site in 1995 and incurred injuries which include sinus, headaches, irritated eyes, memory loss, liver problems, heartburn, fatigue, shaking and twitching, skin rashes, diarrhea, shortness of breath, indigestion and high blood pressure.
- K. **KIMBERLY E. FONTENOT**, worked at the spill site between 1995 and 1996 and incurred injuries which include sinus, headaches, insomnia, sore throat, heartburn, skin rashes and shortness of breath.

- L. **CHARLES EDWARD JONES**, worked at the spill site in 1996 and incurred injuries which include sinus, headaches, memory loss, insomnia, heartburn, fatigue, shaking and twitching, skin rashes, nervousness, shortness of breath, personality change and indigestion.
- M. **PRESTON LEGER**, worked at the spill site between 1995 and 1996 and incurred injuries which include sinus, headaches, kidney problems, memory loss, liver problems, sore throat, fatigue, blood in urine, nervousness, shortness of breath and high blood pressure.
- N. **DALE MAYNARD**, worked at the spill site in 1995 and incurred injuries which include headaches, irritated eyes, memory loss, insomnia, sore throat, heartburn, fatigue, shaking and twitching, diarrhea, skin rashes, nervousness, shortness of breath, personality change, and indigestion.
- O. **DONALD W. SEMIEN**, worked at the spill site between 1995 and 1996 and incurred injuries which include sinus, headaches, irritated eyes, memory loss, nausea, heartburn and diarrhea.
- P. **JAMES JENSEN**, worked at the spill site in 1996 and incurred injuries which include sinus, headaches, sore throat, shaking and twitching, diarrhea, skin rashes and personality change.
- Q. **ADAM KEITH BROWN**, worked at the spill site in 1996 and incurred injuries which include sinus, irritated eyes, kidney problems, memory loss, shaking and twitching, skin rashes, personality change and indigestion.
- R. **RICHARD J. GIBSON**, worked at the spill site in 1996 and incurred injuries which include sinus, headaches, irritated eyes, kidney problems, bladder problems, memory loss, nausea, liver problems, insomnia, heartburn, fatigue, shaking and twitching, blood in stool, diarrhea, dizziness, skin rashes, vomiting, nervousness, shortness of breath, personality change, indigestion and high blood pressure.
- S. **KEVIN RUDISILL** worked at the spill site between 1995 and 1996 and incurred injuries which include sinus, headaches, irritated eyes, memory loss, dizziness and nervousness.
- T. **STEPHEN PAUL CAVENAH**, worked at the spill site between 1995 and 1996 and incurred injuries which include sinus, headaches, irritated eyes, memory loss, sore throat, heartburn, blood in stool, diarrhea, dizziness, skin rashes, shortness of breath and indigestion.

Plaintiffs, **CARL WAYNE JOUBERT, ET AL**, bring this action within one (1) year of the date of discovery that their symptoms are a result of their exposure to the chemical Ethylene Dichloride at the Conoco facility in Calcasieu Parish, Louisiana.

### III.

Plaintiffs amend the Original Petition to add the following paragraph to precede Paragraph 19 and succeed paragraph 18 to read as follows:

“18 a.

In addition, petitioners' spouses and/or minor children appear herein to make a claim for their loss of consortium, services, and society. Due to actions and inaction of defendants and due to defendants' liability, all allegations thereof are hereby reiterated. The spouses and/or minor children of petitioners, wherever listed, have suffered loss of consortium, services and society due to the injuries to the petitioners. Based upon information and belief, the named plaintiffs are the natural parents and/or legal tutors of the minor children listed, wherever listed, and are the proper parties to bring suit on their behalf pursuant to La. Code Civ. P. art. 683.

IV.

Petitioners amend the Original Petition for Damages to add the aforementioned plaintiffs, along with **CARL WAYNE JOUBERT, ET AL**, to each and every paragraph wherein the original plaintiff is named, excluding paragraph 10 and 18.

V.

Petitioners renew and reiterate all of the allegations as if copied in extenso, as amended above and all of the prayers, of the original petition.

**WHEREFORE**, considering the foregoing, the petitioners, pray that the defendants, **CONOCO, INC., CONDEA VISTA COMPANY**, (formerly known as Vista Chemical Company) **PHILIP SERVICES CORPORATION** (formerly known as ALLWASTE ENVIRONMENTAL SERVICES OF LOUISIANA, INC.), **PROFESSIONAL INDUSTRIAL MAINTENANCE, a Limited Liability Company, R. W. EQUIPMENT COMPANY, INC., and E.I. DUPONT de NEMOURS AND COMPANY** each be cited to appear and answer herein as the law directs and that judgment be rendered in favor of the petitioners and against each defendant, jointly, severally and in solido, for all damages as alleged in an amount which the evidence may show proper at the time of trial and medical monitoring, together with all costs of these proceedings as well as legal interest from the date of judicial demand until paid and for such relief, special and general as the law and equity may permit;

**PLAINTIFFS FURTHER SPECIFICALLY PRAY** for exemplary damages against each and every defendant under Louisiana Civil Code Article 2315.3 in an amount deemed appropriate as to each defendant.

**PLAINTIFFS FURTHER PRAY** that this matter be tried by jury.

**PLAINTIFFS PRAY FURTHER** for leave of court to file this amended petition and for all of the relief originally sought in the Petition for Damages.

Respectfully Submitted:

**McKERNAN LAW FIRM**  
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Gordon J. McKernan, Bar Roll 21768  
Scott E. Brady, Bar Roll 24976  
8710 Jefferson Highway  
Baton Rouge, Louisiana 70809  
Telephone: (225) 926-1234  
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and

*M. Dianne Tynes-Tucker*  
Jules R. Cattie, III, Bar Roll 24049  
M.Dianne Tynes-Tucker, Bar Roll 24238  
700 Pujo Street, Suite B  
Lake Charles, Louisiana 70601  
Telephone: (337) 439-4612  
Facsimile: (337) 433-8609

**PLEASE SERVE:**

**CONOCO, INC.**

through their attorney of record  
G. Andrew Veazey  
200 West Congress, Suite 1100  
Lafayette, Louisiana 70509

**CONDEA VISTA COMPANY (formerly VISTA CHEMICAL COMPANY)**

through their attorney of record  
Erich P. Rapp  
One American Place, 22<sup>nd</sup> Floor  
Baton Rouge, Louisiana 70821

**PHILIP SERVICES CORPORATION (formerly known as ALLWASTE  
ENVIRONMENTAL SERVICES OF LOUISIANA, INC.)**

through their attorney of record  
James M. Taylor  
1515 Poydras, Suite 1900  
New Orleans, Louisiana 70112

**PROFESSIONAL INDUSTRIAL MAINTENANCE**

Through their attorney of record  
A. J. Gray, III  
One Lakeshore Drive, Suite 900  
Lake Charles, Louisiana 70601

**R. W. EQUIPMENT COMPANY, INC.**

through their attorney of record  
R. William Collings  
3434 Common Street  
Lake Charles, Louisiana 70605

**E.I. DUPONT de NEMOURS**

G. Andrew Veazey  
200 West Congress, Suite 1100  
Lafayette, Louisiana 70509

JUL 2 2000

ROBERT H. SHAWWELL CLERK  
BY CRW DEPUTY

CARL WAYNE JOUBERT, ET AL

NUMBER: 99-3982

2:00cv758

VERSUS

14<sup>th</sup> JUDICIAL DISTRICT COURT

CONOCO, INC., ET AL

PARISH OF CALCASIEU

FILED: 11-12-99

STATE OF LOUISIANA

Joan Vidrine  
DEPUTY CLERK OF COURT

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**MOTION FOR LEAVE OF COURT TO FILE**  
**FIRST SUPPLEMENTAL AND AMENDING PETITION FOR DAMAGES**

PARTY # P1

NOW INTO COURT, through undersigned counsel, come Plaintiffs, **CARL WAYNE JOUBERT, ET AL**, who desire to amend the Original Petition for Damages.

1.

Plaintiffs desire to amend the Original Petition to add additional plaintiffs who have suffered injuries resulting from the same incident as Plaintiff.

WHEREFORE, plaintiffs pray that this Honorable Court grant leave and allow plaintiffs to file this First Supplemental and Amending Petition herein.

Respectfully Submitted:

**McKERNAN LAW FIRM**

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Gordon J. McKernan, Bar Roll 21768  
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14<sup>th</sup> JUDICIAL DISTRICT COURT

CONOCO, INC., ET AL

PARISH OF CALCASIEU

FILED: 11-12-99

STATE OF LOUISIANA

Joan Vidrine  
DEPUTY CLERK OF COURT

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ORDER

PARTY # P1

**IT IS HEREBY ORDERED** that Plaintiffs be granted leave of court of file this First Supplemental and Amended Petition herein.

THUS DONE AND SIGNED at Lake Charles, Louisiana on this 16<sup>th</sup> day of November, 1999.

Ac. sig  
JUDGE, 14<sup>th</sup> Judicial District Court